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EToys Relents, Won't Press Suit

by Craig Bicknell

After being pilloried in news groups and deluged by angry email, eToys said on Wednesday it would not press its lawsuit against the Swiss art site etoy.

"People are telling us they want the art of etoy and the e-commerce of eToys to co-exist," said eToys spokesman Jonathan Cutler. "We've agreed. We're not pressing the lawsuit."

EToys, the popular e-commerce site that sells toys, had sued etoy over rights to the name, even though etoy had been in existence well before eToys.

Since eToys.com won a court order preventing etoy from using its long-standing domain two weeks ago, etoy supporters have called for "virtual riots." Message boards boiled with invective against eToys.

Etoy and its myriad defenders saw the situation as simple case of might over right. They claimed a rich American corporation was throwing its weight around, unjustly stepping on something that got in its way.

EToys said it would immediately notify etoy of its decision. Cutler stopped short of saying the lawsuit would be dropped, saying instead the company would not "press" the suit.

"We're moving away from the suit, and that's all I can say at this point," Cutler said.

He declined discussion of any conditions that might cause eToys to move back toward the suit in the future.

Cutler stressed that eToys never wanted to stifle free expression on the Net, as critics had charged.

"Our intent was never to silence free artistic expression," he said.

Chalk one up for the power of the Web and free speech, said etoy supporters.

"This case had very big free speech implications," said Tara Lemmey, president of the Electronic Frontier Foundation. "It's great that the public reaction has helped eToys understand that."